



LOS ANGELES POLICE DEPARTMENT USE OF FORCE-TACTICS DIRECTIVE

Directive No. 8.2

August 2018

BATON

PURPOSE

The purpose of this Directive is to familiarize officers with the use, nomenclature, and operation procedures of the Baton.



PROTOCOL

Whenever practicable, officers shall exercise de-escalation techniques to resolve potential use of force incidents and seek voluntary compliance from suspects/subjects. The courts have held that Less-Lethal force options are “capable of inflicting significant pain and may cause serious injury.” Therefore, consistent with the Department’s Use of Force Policy, Less-Lethal force options are only permissible when:

An officer reasonably believes that a suspect or subject is violently resisting arrest or poses an immediate threat of violence or physical harm.

Less-Lethal force options shall not be used for a suspect or subject who is passively resisting or merely failing to comply with commands. Verbal threats of violence or mere non-compliance do not alone justify the use of Less-Lethal force.

An officer may use the Baton as a reasonable force option to control a suspect when **the suspect poses an immediate threat to the safety of the officer or others.**

Officers shall also consider:

- The severity of the crime versus the governmental interest in the seizure; and,
- Whether the suspect was actively resisting arrest or attempting to evade arrest.

The following **do not** alone justify the use of the Baton:

- Verbal threats of violence
- Mere non-compliance

PROCEDURES

If verbalization appears to be ineffective and/or an officer has a reasonable belief that the situation may escalate to a physical confrontation, the baton may be drawn as a show of force. Such action may de-escalate the situation.

However, the mere failure of verbalization to effect control of a suspect does not automatically warrant the use of a baton. As the suspect's actions vary, officers must constantly evaluate the situation and use objectively reasonable force.

If officers encounter a self-mutilating or suicidal individual, the use of the baton may be a reasonable force option (based on the tactical scenario) to stop his or her actions. This will allow the individual to receive the needed emergency medical treatment.

Crowd Control

During crowd control situations, police officers may be required to physically engage individuals who exhibit conduct ranging from uncooperative to violent behavior. In these situations, it may be reasonable for officers to utilize physical force to move crowd members who do not respond to verbal directions, control violent individuals, or effect an arrest.

There are no exceptions to the Department's Use of Force Policy for crowd control situations. Officers may use only that force which is objectively reasonable. Verbalization should be used throughout the operation in an attempt to gain compliance. In determining the appropriate force, officers shall evaluate each situation in light of the facts and circumstances of each particular case, including but not limited to the seriousness of the crime(s), the level of threat or resistance presented by the individual(s), and the danger to the community.

The baton may be used as a pushing tool to move individuals who do not respond to verbal commands or encroach upon officers on a skirmish line or who intentionally delay departure while officers attempt to disperse the crowd, whether or not a lawful dispersal order has been issued. When a crowd or an individual's behavior is threatening or violent in nature, the baton can be used as an impact device.

In determining the amount of force which is objectively reasonable, officers should also consider factors known to them that appear to be contributing to the crowd's conduct and actions. For example, if individuals are encroaching on a skirmish line, and officers reasonably believe that such conduct is the result of individuals in the rear of the crowd pushing forward, as opposed to intentional action by the persons at the front of the crowd, officers should factor such belief into their decision regarding the appropriate response and use of force.

Use of Force Warning

An officer shall, when feasible, give a verbal warning prior to using the Baton to control an individual. The warning is not required when an officer is attacked and must respond to the suspect's actions. Additionally, if a tactical plan requires the element of surprise to stabilize the situation, a warning is not required. Examples of this would be a hostage situation or a subject threatening suicide. However, officers are reminded that the surprise/tactical element must still be needed at the actual time the Baton is used.

The verbal warning should include a command and a warning of potential consequences of the use of force. The command should be similar to “drop the weapon” or “stop what you are doing” followed by a warning similar to “or we may use the Baton, and that may cause you injury.”

The use or non-use of the warning shall be documented. The Non-Categorical Use of Force Report, Form 01.67.05, Use of Force Summary heading shall include:

- The name of the officer giving the warning; and
- An explanation and appropriate justification for not using the warning.

Statements that the “element of surprise was needed” or “for officer safety” reasons will not justify non-use of the warning. The explanation for non-use must:

- Clearly articulate why the element of surprise was needed;
- Explain in detail any officer safety considerations; and,
- List all pertinent reasons that justify why the warning was not provided.

The use of the warning, or the reasons for non-use of the warning will be factors considered in the determination whether the use of force was objectively reasonable.

Reporting the Use of a Baton

The use of a baton is a reportable use of force when the baton strikes the suspect. Supervisors shall photograph all visible and complained of injuries, even when evidence is not present.

In a crowd control situation, a use of force report is not required when officers become involved in an incident where reasonable force is used against individuals who exhibit unlawful or hostile behavior and who do not respond to verbal directions by the police. The baton may be used to push individuals who do not respond to verbal commands and encroach upon officers on a skirmish line or who intentionally delay departure while officers attempt to disperse the crowd, whether or not a lawful dispersal order has been issued. When an individual’s behavior is threatening or violent in nature, the baton can be used as an impact device.

This procedure will apply only to officers working in organized squad and platoon sized units directly involved in a crowd control mission. Additionally, should force be utilized under these circumstances, officers shall notify their immediate supervisor of the use of force once the tactical situation has been resolved. The supervisor shall report the actions in a format as directed by the incident commander.

Note: When an officer(s) becomes involved in an isolated incident with an individual during a crowd control situation, which goes beyond the mission of the skirmish line, a use of force report is required.

Target Areas

When used as an impact device, baton contact should be directed to the areas of the body that will temporarily incapacitate the combatant and avoid contact to the body parts that could be potentially lethal. The primary baton striking or target areas are the bony areas of the body. The secondary striking or target areas are the chest and midsection.

While the fluid nature of a violent confrontation may cause some difficulty with regard to effectively striking the recommended areas, officers should still make an effort to avoid striking the head, neck, throat, spine, kidneys, and groin areas to decrease the likelihood of causing serious injury.

Medical Treatment

Any suspect struck with a baton during a reportable use of force shall be transported to a Department approved facility for medical treatment prior to booking. If a medical emergency exists, officers shall request a rescue ambulance to respond to the location.

Primary Target Areas

- Arms
- Hands
- Wrists
- Elbows
- Legs
- Knees
- Shins

DEFINITIONS

Collapsible Baton: An expandable impact and control device consisting of three sections.

Expandable Side Handle Baton: An expandable impact and control device with a Yawara handle.

Side Handle Baton: An impact and control device with a Yawara handle.

Straight Baton: An impact and control device used by Metropolitan Division in crowd control situations.

Important Reminder

Deviation from these basic concepts sometimes occurs due to the fluid and rapidly evolving nature of law enforcement encounters and the environment in which they occur. Deviations may range from minor, typically procedural or technical, to substantial deviations from Department tactical training. Any deviations are to be explained by the involved officer(s), and justification for substantial deviation from Department tactical training shall be articulated and must meet the objectively reasonable standard of the Department's Use of Force Policy.

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AMENDMENTS

This version cancels Use of Force-Tactics Directive No.8.1, Baton, September 2013.



MICHEL R. MOORE
Chief of Police

DISTRIBUTION "A"